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4 Counsel for Defendant

6 **UNITED STATES BANKRUPTCY COURT**
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8 **CENTRAL DISTRICT OF CALIFORNIA**
9
SAN FERNANDO VALLEY DIVISION

10 In re: Case No.: 1:22-bk-10283-MB
11 LUSINE CRISTINE DOKUZYAN, Chapter 7
12 Debtor. Adv. No.: 1:22-ap-01028-MB
13 REPLY TO PLAINTIFF'S
OPPOSITION TO MOTION TO
DISMISS COMPLAINT
14
15 HOVANES JOHN TONOYAN, Hearing
16 Plaintiff, Date: August 31, 2022
17 vs. Time: 2:30 p.m.
Place: Courtroom 303
21041 Burbank Blvd.
Woodland Hills, CA 91367
18 LUSINE CRISTINE DOKUZYAN,
19 Defendant.

20 Plaintiff's opposition fails to address the merits and main argument of
21 Defendant's Motion to Dismiss – i.e. that the Complaint fails to state a claim upon
22 which relief can be granted under Section 523 or 727, and therefore should be
23 dismissed. No amendment to the complaint will help rectify that fact either.

24 Merely reviewing the Plaintiff's table of contents of his opposition, the
25 Court can ascertain that the Plaintiff is arguing against the Protective Order
26 Motion (filed and adjudicated separately), request for the "Production of
27 Declarants or Witnesses for Examination," and "Protection Against Scandalous

1 or Defamatory Matters.” Provided that pro per Plaintiff should get leeway, his
2 Opposition still fails to address two simple questions:

3 (a) what facts are alleged in the Complaint to except the debt from
4 discharge under Section 523(a) and
5 (b) what facts are alleged to deny Debtor/Defendant her discharge?

6
7 The answer is – none, warranting dismissal of the Complaint.

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9 The Bankruptcy Court is not the forum to adjudicate Plaintiff’s unwarranted
10 arguments just because he has “friendship remorse” by lending Defendant
11 \$11,000 (voluntarily and without any misrepresentation from Defendant). The
12 Court should dismiss Complaint and advise the parties to resolve their friendship
13 woes elsewhere. Plaintiff attempts to cloud the facts that this was someone a
14 “commercial and financial dispute” involving “funds to an insider business
15 partner” (Opposition page 7: lines 4-16). The parties are two young individuals,
16 who were former friends that enjoyed playing video games. Defendant, a female,
17 began helping her friend, Felipe, with making embroidered artful items to sell
18 online. Defendant helped by sketching design work and Felipe would run the
19 embroidery machine to make the product. Like Plaintiff had done before by
20 purchasing computers for the Defendant, the Plaintiff decided to lend \$11,000 to
21 help clear a backlog balance owed to a vendor. The Defendant and Felipe were
22 not able to pay back the Plaintiff. Somehow, Plaintiff has spun this into some
23 Bernie Madoff / Anne Rice novel. It is not that complicated.

24 The Opposition is riddled with random caselaw and demands for mental
25 examinations but the fact still remains that Plaintiff has absolutely no facts to
26 support the relief he requests under Sections 523 or 727.

27 The Opposition demands production of witnesses for examination and
28 protection against scandalous or defamatory matters. These are not arguments

1 required to oppose the Defendant's Motion to Dismiss. In the argument section
2 of the Opposition, all the Plaintiff does is create a two-column section citing the
3 document number and line numbers. Plaintiff argues the Motion to Dismiss uses
4 extraneous matters outside the pleadings. That is false because the facts
5 alleged are intended to give the Court context into the background of the parties.
6 Plaintiff has not *and cannot* through any amendment allege facts warranting relief
7 under Sections 523 or 727 and thus should have his Complaint dismissed.

8 The Plaintiff's Opposition concludes with several inappropriate demands
9 and orders that are not only unwarranted but improperly requested (i.e. sanctions
10 under Rule 26(g)(3), extensions of time, orders to have Defendant produce
11 declarants and witnesses.

12 Even affording pro per Plaintiff leeway, the Complaint should be dismissed
13 because there are no arguments or facts the Plaintiff can allege in any amended
14 complaint to rectify his Complaint. Doing so would be futile as would any
15 mediation attempts because the young, stay-at-home, unemployed Defendant
16 cannot afford \$400 for legal fees let alone engage in any settlement at mediation.

17 Defendant respectfully asks the Court to grant the Motion and dismiss the
18 Complaint without leave to amend.

19 Dated: August 24, 2022

20 Respectfully submitted,

21 /s/ Sevan Gorginian
22 Sevan Gorginian
23 Counsel for Defendant

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: **450 N. Brand Blvd. Suite 600 Glendale, CA 91203**. A true and correct copy of the foregoing document entitled (*specify*): REPLY TO PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS COMPLAINT will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING

(NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 8/24/22, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Amy L Goldman (TR)

marisol.jaramillo@lewisbrisbois.com, AGoldman@iq7technology.com; ecf.alert+Goldman@titlexi.com

Sevan Gorginian on behalf of Debtor Lusine Cristine Dokuzyan
sevan@gorginianlaw.com, 2486@notices.nextchapterbk.com; ani@gorginianlaw.com

United States Trustee (SV)
ustpregion16.wh.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL:

On **8/24/22**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

PRESIDING JUDGE

RESIDING JUDGE
Hon. Martin R. Barash
21041 Burbank Blvd. Suite 342
Woodland Hills, CA 91367

SERVED TO DEFENDANT BY EMAIL THROUGH CONSENT

hoviktonovan@gmail.com

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 24, 2022

Date _____ Name _____

/s/ Sevan Gorginian
Signature